



# California Fair Political Practices Commission

October 26, 1989

B. Teri Burns, Chair  
Democratic Party of Sacramento  
1008 10th Street, Ste. 445  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-89-228

Dear Ms. Burns:

You have requested advice concerning the campaign provisions of the Political Reform Act.<sup>1/</sup>

## FACTS

You are the permanent alternate of an elected member of the Sacramento County Democratic Central Committee. You indicated during a telephone conversation on October 11, 1989, that you may eventually seek an elected position on the Central Committee. You also are a Regional Director of the California State Democratic Party.

## QUESTIONS

1. What campaign disclosure requirements apply to elected members of the county central committee, to members appointed to fill vacant elective positions on the central committee, and to permanent alternates of the central committee members?

2. What campaign disclosure requirements apply to chairpersons of assembly district committees?

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

3. Are you required to disclose contributions received for expenses in connection with your position as Regional Director of the State Democratic Party?

4. Are you required to disclose the purchase of tickets to political fundraisers, free attendance at fundraisers, or other contributions or loans you make to the central committee or an assembly district committee?

#### CONCLUSIONS

1 and 2. Elected members of county central committees and candidates for those positions are required to file periodic reports disclosing contributions received and expenditures made for political purposes. An individual who is appointed to fill an elective seat on a county central committee also is required to file periodic campaign disclosure reports. Alternate members of county central committees and chairpersons of assembly district committees are not subject to the Act's disclosure requirements.

3. Contributions received by you to offset expenses incurred in connection with party activities are not reportable. However, such contributions will be reportable should you become a candidate for election to the central committee or an elected member of the central committee.

4. The purchase of tickets to political fundraisers and loans made by you to central committees or assembly district committees are reportable "contributions" under the Act. However, unless you qualify as a "major donor" by making contributions totaling \$10,000 or more in a calendar year, you are not required to disclose them at this time. If you become a candidate for election to the central committee or an elected member of the central committee, such contributions will be reportable. Free attendance at a political fundraiser is not reportable by candidates or elected or non-elected officials.

#### ANALYSIS

The Act requires elected officers and candidates for elective offices to file periodic reports disclosing contributions received and expenditures made for political purposes. (Sections 84200-84216.5.)

"Elected officer" means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

Section 82020.  
(Emphasis added.)

"Elective office" means any state, regional, county, municipal, district or judicial office which is filled

at an election. "Elective office" also includes membership on a county central committee of a qualified political party.

Section 82023.  
(Emphasis added.)

Because alternate members of county central committees and members of assembly district committees are not covered in the definition of "elected officer," they have no disclosure obligations under the Act by virtue of holding those positions. Therefore, the remainder of this analysis will apply to you only if you become a candidate for or are elected to any elective office, or you are appointed to fill a vacant elective office.

Any individual who intends to receive contributions (including loans) for the purpose of running for elective office or holding elective office must file a Candidate Intention statement (Form 501, copy enclosed) prior to receiving or soliciting such contributions or loans. (Section 85200.) In addition, such persons must establish a campaign bank account in California and, within 24 hours, must file a notice of their bank account location and number (Form 502, copy enclosed). (Section 85201.)

In addition, elected officers and candidates for elective office are required to file periodic reports disclosing contributions received and expenditures made. These include:

1. Semi-annual campaign disclosure reports (Form 490).  
Semi-annual reports are filed on July 31 and January 31 each year covering the periods January 1-June 30 and July 1-December 31, respectively. (Section 84200.) An exception to this requirement provides that elected officers whose salaries are less than \$100 per month must file semi-annual campaign reports only if they have made or received contributions or made expenditures (including contributions made to other candidates) during the applicable reporting period. (Section 84211(a)(2).) Because members of county central committees are not compensated, they fall within the exception in Section 84211(a)(2).
2. Pre-election campaign disclosure reports (Form 490).  
During a six-month period in which they are being voted upon, in addition to filing semi-annual reports, candidates and elected officers must file pre-election campaign statements. The filing deadlines and periods covered by pre-election campaign reports are determined

by the date of the election. (Sections 84200.5-84200.8.)<sup>2/</sup>

In certain circumstances, additional special reports may be required. These are described in the enclosed "Information Manual on Campaign Disclosure Provisions of the Political Reform Act."

The term "contribution" is defined in Section 82015:

"Contribution" means a payment...except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.

The term "contribution" also includes loans, the purchase of fundraiser tickets, and a candidate's or officeholder's own money or property used on behalf of his or her candidacy. (Sections 82015 and 82044.)

Regulation 18215 further clarifies the Act's definition of "contribution":

(a) A contribution is any monetary or nonmonetary payment made for political purposes for which full and adequate consideration is not made to the donor. A payment is made for political purposes if it is:

(1) For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure; or

(2) Received by or made at the behest of:

(A) A candidate, unless it is clear from surrounding circumstances that the payment was received or made at his or her behest for personal purposes unrelated to his or her candidacy or status as an office holder. The term "payment" includes the candidate's own money or property used on behalf of his or her candidacy.

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<sup>2/</sup> The Act provides another exception for certain candidates and elected officers who will receive contributions aggregating less than \$1,000 and who will make expenditures aggregating less than \$1,000 during a calendar year. Such persons may fulfill their semi-annual and pre-election campaign disclosure obligations by filing a short form campaign report (Form 470) once for the entire year. (Section 84206; Regulation 18406, copy enclosed.)

(B) A controlled committee;

(C) An official committee of a political party, including a state central committee, county central committee, assembly district committee or any subcommittee of such committee; or

(D) An organization formed or existing primarily for political purposes as defined in subsection (a)(1), including but not limited to a political action committee established by any membership organization, labor union or corporation.

(b) "Made at the behest" means a payment made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, or at the request or suggestion of a candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes....

(Emphasis added.)

Payments received by an elected officer for expenses in connection with party activities are "contributions" to the elected officer and must be reported because they are not for personal purposes unrelated to his or her status as a candidate or officeholder.

In addition, an elected officer makes a "contribution" when he or she purchases a ticket to a political fundraiser or makes a donation or loan to a central committee or assembly district committee. The making of such contributions are reportable even if they are made from the elected officer's personal funds. (In re Lui, 10 FPPC Opinions 10, copy enclosed.) However, an elected officer is not required to disclose free attendance at a political fundraiser. (Regulation 18726.8, copy enclosed.)

Therefore, an elected member of a county central committee will incur campaign filing obligations during any six-month period in which he or she is being voted upon, whether or not contributions will be received or expenditures made. During any six-month period in which the member is not being voted upon, receiving or making the contributions described above will trigger campaign disclosure obligations for the member.

For purposes of determining precisely when and where campaign reports must be filed, and the types of information that must be disclosed, please refer to the enclosed "Information Manual on Campaign Disclosure Provisions of the Political Reform Act." Also enclosed is the "Interim Manual on Proposition 68 and Proposition

73" which describes the contribution limits and other requirements imposed by passage of these two measures in the June 1988 Primary Election.

I hope the foregoing has been of assistance to you. Please do not hesitate to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Kathryn E. Donovan  
General Counsel

*Carla J. Wardlow*

By: Carla J. Wardlow  
Assistant Chief, Technical  
Assistance & Analysis Division

Enclosures

# THE DEMOCRATIC PARTY OF SACRAMENTO COUNTY, CALIFORNIA

1008 10th Street, Suite 445, Sacramento, California 95814 • (916) 442-3734

## EXECUTIVE COMMITTEE

TERI BURNS, *Chair*  
VIRGINIA MOOSE, *Treasurer*  
SCOTT PLOTKIN, *Parliamentarian*

April 11, 1989

John Larson, Director  
Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95804

Dear John:

I am writing both on behalf of members of my County Democratic Central Committee and my own special circumstance seeking your advise on our reporting requirements. Please advise us of your determination on the following issues:

- 1) What reporting requirements apply to members of the Co. Central Committee who were elected on the June 1988 ballot and serve a term from January 1989 to December 1990?
- 2) Do these same requirements apply to members appointed to fill vacancies in the above positions?
- 3) What requirements apply to members serving as permanent alternates of those local elected officials holding seats on the Co. Committee by virtue of their candidacy?
- 4) What reporting requirements apply to Chairpersons of Assembly District Committees?
- 5) Finally, the complicated scenario which applies specifically to me:

I am the permanent alternate of an elected official and am Chair of the Sacramento Co. Committee. I am also an elected Regional Director of the California State Democratic Party.

If members of the County Committee contribute to my Regional expenses, what reporting is required?

If County Committees and AD Committees contribute to my Regional expenses, what reporting is required?

If I attend fundraisers in either my Co. Committee Chair or Regional Director capacity, what reporting requirements apply if I pay my own way, or if I am an invited unpaying guest?

If, in my Regional Director capacity, I donate funds or loan funds to an AD or Co. Committee, what reporting is required?

Thank you for your prompt reply to help us keep accurate records.

Thank you,

A handwritten signature in black ink that reads "B Teri Burns". The signature is written in a cursive style with a large, stylized "B" and a long, sweeping underline.

B. Teri Burns, Chair

BTB:bs





# California Fair Political Practices Commission

April 18, 1989

B. Teri Burns, Chair  
The Democratic Party of  
Sacramento County  
1008 - 19th Street, Suite 445  
Sacramento, CA 95814

Re: Letter No. 89-228

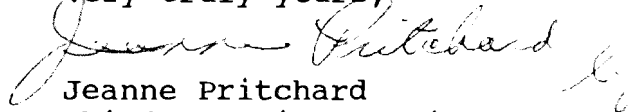
Dear Ms. Burns:

Your letter requesting advice under the Political Reform Act was received on April 17, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

  
Jeanne Pritchard  
Chief Technical Assistance  
and Analysis Division

JP:plh